

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER GRIHAC P48AUS
		U.S. APPLICATION NO. 10/583,121
INTERNATIONAL APPLICATION NO. PCT/AU2004/001768	INTERNATIONAL FILING DATE December 17, 2004	PRIORITY DATE CLAIMED December 18, 2003
TITLE OF INVENTION METHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE LAYERS		
APPLICANT(S) FOR DO/EO/US Igor Lvovich SKRYABIN and Graeme Leslie EVANS		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto: b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))—included ADDED PAGE TO COMBINED DECLARATION..... 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
<p>Item 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. 10/583,121		INTERNATIONAL APPLICATION NO. PCT/AU2004/001768		ATTORNEY'S DOCKET NUMBER GRIHAC P48AUS	
20. Other items or information: Petition by Joint Inventor Filing on Behalf of Other Inventor - 1 pg.		Statement of Facts In Support of Filing - 12 pgs. Declaration by Michael J. Bujold - 5 pgs.			
21. The following fees have been submitted				Calculations	PTO USE ONLY
21. ■ Basic national fee (37 CFR 1.492(a)) \$300					
22. ■ Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provision of PCT Article 33(1)-(4) \$0 All other situations \$200					
23. ■ Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provision of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the International Application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				\$	
TOTAL of 21, 22, and 23 =				\$	
□ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
- 100	/ 50 =			x \$250	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50	\$	
Indep. claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$130	
■ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$65	
Petition by Joint Inventor on Behalf of Other Joint Inventor who Refuses to Join in Application or Cannot be Reached				\$200	
SUBTOTAL =				\$265	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). 03/22/2007				\$130	
TOTAL NATIONAL FEE =				\$265	65.00 OP
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$265	
				Amount to be refunded:	\$
				Amount to be charged	\$

- a. ☒ A check in the amount of \$265 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 04-0213 in the amount of \$_____ to cover the above fees.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0213. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number: 020210

DAVIS BUJOLD & DANIELS, P.L.L.C.
112 Pleasant Street
CONCORD, NH 03301-2931

TEL: (603) 226-7490

FAX: (603) 226-7499

E-MAIL: patent@davisandbujold.com


SIGNATURE

Michael J. Bujold

NAME

32,018

REGISTRATION NUMBER

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date **March 19, 2007** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EM044265457US addressed to the: Commissioner of Patent and Trademarks, P. O. Box 1450, Alexandria, VA 22313-1450

Michael J. Bujold



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN and Graeme Leslie
EVANS
Serial no. : 10/583,121
Filed : with an effective filing date of December 17,
2004
For : METHOD FOR ELECTROLYTIC
ENGINEERING OF NANO-PARTICULATE
LAYERS
Docket : GRIHAC P48AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

**PETITION BY JOINT INVENTOR FILING ON BEHALF OF OTHER
JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE
REACHED (37 C.F.R. §1.47(a))**

Dear Sir:

I, Graeme Leslie EVANS, the second joint inventor of the above identified application, hereby signs below and petitions to make this application on behalf of the first non-signing joint inventor, namely, Igor Lvovich SKRYABIN who refuses to join in this application.

This petition is accompanied by proof of the pertinent facts, set forth in the accompany Statement of Facts in Support of Filing on Behalf of Non-signing Inventor (37 C.F.R §1.47), and the last known address of the non-signing inventor.

The associated petition fee set forth in §1.17(g) in the amount \$200, as required by 37 C.F.R. §1.47(a), is paid herewith.

Respectfully submitted,

Date

7/02/07

Graeme Leslie EVANS



03/22/2007 GFREY1 00000045 10583121

02 FC:1463

200.00 0P

Practitioner's Docket No. GRIHAC P48AUS**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Igor Lvovich SKRYABIN and Graeme Leslie EVANS
For: METHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE LAYERS

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto effectively
- (b) ☒ was filed on Dec. 17, 2004 as Application Serial No. 10/583,121
and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____,
filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 8th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 8th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name

Lorne Wood-Roe

Address

c/- Griffith Hack, Level 29, Northpoint, 100 Miller Street,
North Sydney NSW 2060

EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND OBTAIN INVENTOR'S SIGNATURE

NOTE: In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.

Griffith Hack Patent and Trade Mark Attorneys assumed conduct of this application on or around February 2006. This was after the expiry of the convention year and I am unsure of what efforts were made to obtain the inventor's signature at that time.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 2 of 7)

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: MPEP, § 409.03(e), 8th Edition:

"An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor.

"That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

"Inasmuch as a nonsigning inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the nonsigning inventor may be reached should also be given."

Full name of nonsigning inventor

Igor Lvovich Skryabin

Last known address of nonsigning inventor

Last known address 76 Schlich Street, Yarralumla ACT 2600 Australia

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS or both, in applicable circumstances.

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 4 of 7)

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

NOTE: Complete either these facts or the facts as to *DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR* or both, in applicable circumstances.

NOTE: MPEP, § 409.03(d), 8th Edition:

"A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

"Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

"Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

"When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition."

By way of background, inventor Igor Skryabin has already refused to sign application paperwork in connection with United States patent application numbers 10/570,530 and 10/577,971 and I have previously made declarations relating to these applications.

On 10 August 2006 I forwarded by email Combined Declaration, Power of Attorney and Assignment forms in respect of this application being the United States national phase of international application PCT/AU2004/001768. I attach a copy of the email I sent to Igor Skryabin dated 10 August 2006.

(use Supplemental Page(s), if necessary)

Supplemental Page

I received no reply to my email 10 August 2006 and on 16 August 2006 I sent a subsequent email to Igor Skryabin again forwarding him the forms and asking if he would be prepared to sign them. A copy of that email is attached. In that email I also reminded Igor that I had in my possession a copy of an Assignment document signed by him transferring rights to the invention.

On 21 August 2006 I received a letter dated 17 August 2006 from William Szekely of Szekely & Associates. A copy of that letter is attached. In that letter William Szekely refers to emails forwarded to their client on 9 August 2006 and 15 August 2006. I understand that they are referring to the emails I sent to Igor Skryabin.

In his letter of 17 August 2006 William Szekely explains that Igor is an inventor of the invention the subject of international patent application PCT/AU2004/001768. He also explains that inventor Igor Skryabin was a director of the applicant company at the time the invention was made.

Igor Skryabin is in dispute with his former employer and the issue of signing application paperwork has become an issue between the parties. It appears that Igor Skryabin is now refusing to cooperate with signing paperwork of any type as a matter of routine.

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: This proof **must** be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.


M.P.E.P. § 409.03(g), 7th ed.

*(if this proof is not needed and not being presented,
then draw a line through this page of the form.)*

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 6 of 7)

Date: 8 September 2006



Signature of person making statement

☐ Plus _____ Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 7 of 7)

Lorne Wood-Roe

From: Lorne Wood-Roe
Sent: Wednesday, 16 August 2006 11:15 AM
To: 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'; 'Igor Skryabin'
Subject: RE: Forms for signing Our ref:FP23978
Attachments: Combined Declaration, Power of Attorney and Assignment for PCTAU2004001768.pdf

Igor,

I have not heard back from you but I thought I'd just remind you that you have already signed an assignment relating to this invention at the time the due diligence was carried out in preparation for the Dyesol prospectus.

Are you prepared to sign these forms?

Lorne

From: Lorne Wood-Roe
Sent: Thursday, 10 August 2006 2:33 PM
To: 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'; 'Igor Skryabin'
Subject: Forms for signing Our ref:FP23978

Dear Igor,

We spoke recently and I mentioned that I had some more forms for you to sign.

The forms in question are attached.

Are you willing to sign these forms?

Lorne

Lorne Wood-Roe

Senior Associate

GRIFFITH HACK

Level 29, Northpoint

100 Miller Street

North Sydney NSW 2060

Tel. + 61 2 9925 5900

Fax. + 61 2 9925 5911

lorne.woodroe@griffithhack.com.au

www.griffithhack.com.au

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you have received it in error, please contact us immediately. Confidentiality and/or

privilege will not be waived, lost or destroyed if it is transmitted in error. Only the

5/09/2006



addressee may read, copy and/or use it. We use virus scanning software but exclude

all liability for viruses or similar in it or any attachment to it.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a cursive representation of a name.

Lorne Wood-Roe

From: Lorne Wood-Roe
Sent: Thursday, 10 August 2006 2:33 PM
To: 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'; 'Igor Skryabin'
Subject: Forms for signing Our ref:FP23978
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Lorne

Lorne Wood-Roe

Senior Associate

GRIFFITH HACK

Level 29, Northpoint

100 Miller Street

North Sydney NSW 2060

Tel. + 61 2 9925 5900

Fax. + 61 2 9925 5911

lorne.woodroe@griffithhack.com.au

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you have received it in error, please contact us immediately. Confidentiality and/or

privilege will not be waived, lost or destroyed if it is transmitted in error. Only the

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all liability for viruses or similar in it or any attachment to it.



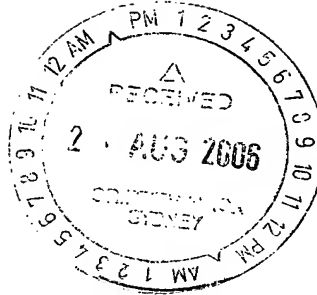
10/08/2006

17 August 2006

Our ref: WMS:mv:22K6032

**Szekely &
Associates**
Lawyers

Lorne Wood-Roe
Griffith Hack
Patent and Trade Mark Attorneys
Sydney Office
Level 29, Northpoint
100 Miller Street
North Sydney NSW 2060



By facsimile; 9925 5911

Dear Sir,

FP 23978

Re: International Patent Application PCT/AU2004/001768

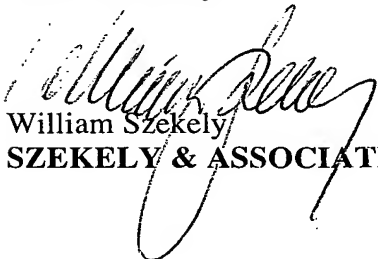
We refer to the email that you forwarded to our client on 9 August 2006 and on 15 August 2006.


We have written to Sneddens with whom we are communicating relating to Dyesol Ltd and interests associated with the Tullochs. We ask you to communicate with Tal Williams of Sneddens and to abide communications between us and Sneddens.

We consider it unfair and inappropriate for the question that you have posed to our client, to be simply put without the overall context of the issues between the parties.

We would be grateful if you would in the interim, perhaps outline to us the basis upon which you call upon our client to do anything in relation to the invention of which he is a co-inventor. You will be aware that our client was never employed by Smart Technologies Australia Pty Ltd but was a director and shareholder and we are questioning validity of any assignment that may have happened in the past.

Yours faithfully,


William Szekely
SZEKELY & ASSOCIATES"


William Szekely
Principal
Level 4, 55 York Street
Sydney NSW 2000
DX 708 Sydney

Telephone 61 2 9290 3222
Facsimile 61 2 9290 3866
Mobile 0418 464 056
email szeklex@szeklex.com.au